

JUN 26 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SAMIL IQAL,

Plaintiff - Appellant,

v.

UNITED INSURANCE COMPANY OF
AMERICA,

Defendant - Appellee.

No. 05-55624

D.C. No. CV-04-03064-GPS

MEMORANDUM^{*}

SAMIL IQAL,

Plaintiff - Appellant,

v.

UNITED INSURANCE COMPANY OF
AMERICA,

Defendant - Appellee.

No. 05-56647

D.C. No. CV-04-03064-GPS

Appeal from the United States District Court
for the Central District of California
George P. Schiavelli, District Judge, Presiding

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

Argued and Submitted June 5, 2006
Pasadena, California

Before: REINHARDT, TROTT, and McKEOWN, Circuit Judges.

We AFFIRM the district court's grant of summary judgment to United Insurance on the merits and its order granting United's motion to exclude evidence, for the reasons articulated by the district court in its order dated March 21, 2005.

We DISMISS Iqal's appeal as to the district court's award of attorney's fees to United. The parties have notified us that United has agreed to repay the award, and that Iqal has withdrawn his appeal as to attorney's fees.